

## 1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

2 Name: Ruchell Magee

(Last)

(First)

(Middle Initial)

4 Prisoner Number: A920515 Institutional Address: CMF-Box 2000 T-1-B  
Vacaville, Ca. 95696**FILED**

Jul 15 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

## 8 UNITED STATES DISTRICT COURT

## 9 NORTHERN DISTRICT OF CALIFORNIA

10 Ruchell Magee

(Enter your full name.)

vs.

12 Cantil-Sakauye, Judge13 Gavin Newsom, Governor

15 (Enter the full name(s) of the defendant(s) in this action.)

3:21-cv-5432-WHO

Case No.

(Provided by the clerk upon filing)

16 COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
42 U.S.C. § 1983

## 17 I. Exhaustion of Administrative Remedies.

18 Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

- 20 A. Place of present confinement California State Prison Vacaville
- 21 B. Is there a grievance procedure in this institution? YES  NO
- 22 C. If so, did you present the facts in your complaint for review through the grievance procedure? YES  NO
- 23 D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.
- 24 1. Informal appeal: Persons sued - outside of  
CDC employment

- 1        2. First formal level: N/A  
2  
3  
4        3. Second formal level: N/A  
5  
6  
7        4. Third formal level: N/A  
8  
9

10 E. Is the last level to which you appealed the highest level of appeal available to you?

11 YES  NO  N/A

12 F. If you did not present your claim for review through the grievance procedure, explain why.

13 Person's sued are not  
14 CDC employees

## 16 II. Parties.

17 A. Write your name and present address. Do the same for additional plaintiffs, if any.

18 Ruchell Magee  
19 CMF, #92051-T-123 - Box 2000  
20 Vacaville, CA 95696

21 B. For each defendant, provide full name, official position and place of employment.

22 Canfil-Sakauye, Judge, California State  
23 Supreme Court, San Francisco, CA;  
24 Gavin Newsom, Governor of California  
25 at Sacramento, Calif.

26

27

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### **III. Statement of Claim.**

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

4 Acting under color of California State  
5 law, since July 21, 2020, defendant Cantil-Soleil  
6 filed a writ of habeas corpus in the case entitled,  
7 Richard Magee, No. S-263467, therefore denying  
8 access to court, and suppressing physical evidence  
9 of: 1) imprisonment on knowingly false insanity  
10 plea conviction's by officer's of the court, 2)  
11 deprivation of counsel; 3) JURY TAMPERING  
12 by prosecution officials.

(Continue page)

16 | IV. Relief.

17 Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

18        1: injunction, preliminary - a temporary  
19        restraining order requiring defendants  
20        and their agents and persons in combination  
21        with defendants to allow Habeas CORPUS  
22        evidence heard by a state of federal Judge on  
23        the merits with the accurate trial court records.

24 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

25 Executed on: June 1, 2021

Date

Ruehle Magee

*Signature of Plaintiff*

(CONTINUE STATEMENT OF CLAIM )

- A) Defendant cont'd obstructs fact finding and encourages further state prosecution's use of false documents and systematically invent fraud used more than 4 decades stacking up Prison TERM by resentencing Complainant: 7 years to life, to over 50 years life imprisonment, with state agencies taking shifts out of tax-payers sight.
- B) Exhibit-A, state writ of habeas corpus, pending without consideration filed since July 21, 2021, a year showing wrongfully convicted on officers of the courts knowingly and intentionally false guilty and insanity pleads used to undermine weak jurors to convict innocent complainant for kidnap (2D9 P.C.) to Rob (P.C. 211), which crime proven never occurred prior to complainant being arrested March 33, 1963.
- C) Exhibit-B, Parole Board's PSY Assessment, which have no legal foundation - make it appear crimes occurring by a Black person:
- The Habeas Evidence heard by any normal intelligent person 'OR' persons, not stuck on skin-color, would prove by facts, evidence documented that (page 3-A)

would eliminate the Parole Board's  
PSY assessment fact finding by exposing  
an organized crime document. Compare  
Exhibit-B, Supra, and habeas corpus facts under  
Oath (Exhibit-A, Supra), which make plain the  
WRONGfully IMPRISONMENT ON STATE AGENTS FALSE  
guilty and insanity Plead to undermine JURORS  
to CONVICT INNOCENT Complainant for KIDNAP (P.C.  
209) TO ROB (Penal Code 211), which FALSE Pleads  
DO NOT REFLECT by the transcripts issued  
by the state on appeal and for HABEAS REVIEW  
despite Complainant's more than FIVE (5) decades  
FILING APPEAL, and HABEAS PETITIONS, asking for  
RECORDS REVIEW

E) MOTIVE FOR EXCESSIVE DELAY OF HABEAS  
REVIEW

- a) The state Prosecution used doctored  
TRANSCRIPTS to obstruct habeas and appeal  
review in the Federal Courts as showing by  
the decision entitled Magee VS. Nelson  
(1972) (9th Cir.) 455 F.2d 275, reflect  
doctored TRANSCRIPT Wheeling, and dealing  
undermined JUSTICES to believe the  
state agencies FALSE INSANITY PLEA NEVER  
HEARD by the JURORS - because that PLEA  
was WITHDRAWN on MOTION by Magee's COUNSEL.
- b) Doctored TRANSCRIPTS MADE IT  
falsely appear that the INSANITY PLEA

(page 3-b)

were "on" was withdrawn July 26, 1965. However,  
accurate trial record shows the false plea of  
insanity ordered withdrawn July 28, 1965  
moments before the jurors announced  
Guilty verdicts ...

Wheeling and dealing included the (455 F.2d  
275) decision also shown the state jurors where  
the prosecution in the San Francisco County  
trial argued that Magee (complainant) were  
legally convicted of Kidnap to Rob in  
Los Angeles County, which the highest  
federal judges also ruled upon denying  
Magee's federal Habeas Petition and  
Appeal. Here, corruption/racism stick  
out plain as sun-shine; Jury Tampering;  
b) Self incrimination; c) denial of counsel;  
d). unlawfully chaining & muzzling in presence  
of the jurors and many more attacks  
causing injury - ignored by corrupted  
law enforcement determined to keep  
the evidence covered up, and the  
innocent complainant locked away in  
prison, basically isolated, in violation  
of the Eighth (8th) and Fourteenth (14th) Amendments,  
Constitution of the United States.

(page 3-c)

F)

## 2ND CAUSE OF ACTION

Defendant Newsom, acting under color of California state authority 'or' law conceal Evidence of false convictions, and deliberately and intentionally allows state agencies to hide, and coverup, JURY acquittal in the case of August 7, 1970.

Is that, on February 16, 2019, the Complainant petitioned defendant Newsom asking for Governor's pardon. On grounds and physical evidence (documented evidence) of the Superior Courts of Los Angeles County (case No. 272227), concealed Trial Court Records of the 1960's trial, and the Superior Court of Santa Clara County (case number 56168 ) concealed Jury acquittal of 1973, showing:

"During deliberations (which commenced March 26, 1973, and expired April 3, 1973) all twelve jurors agreed that the defendant was not guilty of violating Penal Code 209, (Kidnapping for Purpose of extortion) ..."

G)

Defendant Newsom failed/refused to acknowledge the Applications for Pardon

(page 3-d.)

Submitted 2019, prior to, and after, which arbitrary tactic by same used by corrupted Judges - allowing the Prosecution concealing trial Court records to stay ahead of the Complainant facts, and evidence - obstruct Complainant opportunity to be heard, because the guilty Parties concealing Records (Evidence) have nothing to rebut the Complainant's documented.

H) To be sure, January 2001, the Jury foreman MR. B. J. Suares filed Federal Law in the U.S. Northern District Court of California - paying the filing fee in Suares, and others - Reporting State Prosecution (Judges and lawyers) concealing Jury acquittal. Without hearing, the federal Judge dismissed the 1983 Complaint frivolous claiming the Jury file to later regarding the acquittal.

I) On September 23, 2002, the Jury foreman Suares filed Complaint with the U.S. Department of Justice (FBI) reporting corrupted judges and lawyers, concealing the acquittal, and violating Double Jeopardy law.

No action was taking to get the acquittal out of suppression. (see Exhibit-C, Jury's Complaint, attached hereto, concealing Jury acquittal is

One of a many outrage going uncorrected,  
despite showing 8th and 14th Amendments, U.S. Const Violation  
Complainant (Petitioner) has no plain,  
speedy, 'OR' adequate remedy in the ordinary  
course of Law other than by this action,  
and defendants are not expected to  
REFRAIN from their backroom conduct,  
unless the relief sought is granted.

CONTINUE RELIEF SOUGHT

- 3) ORDER defendants and Persons in  
Combination with them, to show Facts, if  
any, Why Writ of HABEAS CORPUS (S-263467)  
Should not be heard as Law requires by  
Law.
- 4) ORDER cost of Court fee paid by  
the parties sued herein;
- 5) AWARD any further relief this  
Court deems just, 'OR' appropriate.

I CERTIFY under penalty of perjury the  
foregoing is true and correct.  
Executed : JUNE 18, 2021

Ruchell Magee  
Ruchell Magee  
Ruchell Magee

p.s

Case Name:

Civil Complaint

Case Number:

Court:

U.S. Northern District California

## PROOF OF SERVICE BY MAIL

I, Ruchell Magee declare:

That I am over the age of eighteen years of age and am not a party to the above entitled cause of action. That I reside in Solano County, California at the California Medical Facility, at 1600 California Drive, P.O. Box 2500, Vacaville, California, 95696-2500.

That on June 14, 2021 I served the attached: a true copy of the attached:  
Civil Right Complaint

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal legal mail collection system at the California Medical Facility, Vacaville, California, addressed as follows:

Attorney General  
450 Golden Gate Ave.  
San Francisco, Calif. 94102  
Cantil-Sakauye, Judge, Calif. Supreme Court  
350 McAllister, Cap 102  
San Francisco, Calif.  
Gavin Newsom, Gov.  
Office of State Capital  
Sacramento, CA 95814  
Joe Biden, President  
White House  
Washington, DC 20510

I declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct. That this proof of service was executed on June 14, 2021 at the California Medical Facility, Vacaville, California.

Ruchell Magee  
Declarant

Ruchell Magee  
Declarant's Signature